

From: [Jim Miller](#)
To: [Molly McGuire](#)
Subject: Re: File No. 2207-019
Date: Sunday, March 12, 2023 10:04:31 PM
Attachments: [L-MI Strand 031223.pdf](#)

Ms. McGuire —

Please consider the attached short letter in the City's review of the permit applications for the referenced project.

Thank you.

Jim and Margaret Miller

Jim Miller
Margaret Miller
7155 S.E. Maker Street
Mercer Island, Washington 98040

Home: 206 230 9165
Cell: 206-853-7107
email: jim.m@comcast.net

March 12, 2023

Ms. Molly McGuire
Assistant Planner
City of Mercer Island
Community Planning and Development 9611 SE 36th Street
Mercer Island, WA 98040

molly.mcguire@mercerisland.gov

Re: File No. 2207-019
6950 SE Maker Street/Parcel No. 9350900620

Dear Ms. McGuire

We submitted a letter regarding this project last October and wish to comment on the permit applicant's recent responses to the input the public and the City provided regarding the project.

In October, Jim and Susan Mattison and Dan Grove provided research and input on the determination of the "Existing Grade" of the site. The Mattisons' and Dan Grove's analyses are consistent with the permit applicant's geotech report and show that the site historically was steeply sloping from east to west and that the property was extensively filled to create a relatively flat building lot.

"Existing Grade" is used in several ways in the CityCode, including determining the allowable height of a residence. The permit applicant, in the newly submitted material, makes no meaningful response to this issue.

On page 1 of the the permit applicant's Comment Response Memo dated March 1, 2023, Mr. Almeter, the permit applicant's architect, dismisses concerns about the project's compliance with the City Code's definition of "Existing Grade" by blithely stating that "We understand the accepted City of Mercer Island interpretation of 'existing grade' is "the grade of the lot as it

Ms. Molly McGuire, Assistant Planner
City of Mercer Island
March 12, 2023
Page -2

currently sits”, more specifically the surveyed grade prior to start of this proposed project (5/27/2021)..

“Existing Grade” is a defined term in the City Code. MICC 19.16 states:

A. “Existing Grade”: The surface level at any point on the lot *prior to alteration of the ground surface*. [Emphasis added.]

B. “Alteration”: *Any* human-induced action which impacts the existing condition of the area, including but not limited to grading, filling, dredging, draining, channeling and paving (including construction and application of gravel). "Alteration" does not include walking, passive recreation, fishing, or similar activities.” [Emphasis added.]

Mr. Almeter could not provide authority for his “understanding” because there is none. His understanding is contrary to the City Code. Under the City Code, “Existing “Grade” is the grade of a site prior to *any human alteration, whenever performed, including by grading and filling*.

Mr. Ammeter’s “understanding” of the term “Existing Grade is irrelevant. The code is clear that human alteration of the contours of a site, including by filling or grading, whenever performed, is to be disregarded in determining a site’s “Existing Grade.”

Mr. Almeter’s “understanding” would permit an owner to substantially alter the natural contours of a site and, when the site work was complete, contend the altered contours should be used to determine “Existing Grade”for purposes of construction on the site. Mr. Almeter’s “understanding” would render meaningless the City Code’s definition of the term and the various ways the code applies the term.

We request the City require the project applicant to determine the site’s actual “Existing Grade” consistent with the City Code and revise the project as may be required to comply with the code.

We appreciate the work the City and the permit applicant have done and look forward to having the permit applicant bring the project into compliance with the City Code.

Respectfully submitted,,
Jim Miller
Margaret Miller